

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 27/28/29 January 2010**

**Response to Written Comments for
The City of Chico, Chico Water Pollution Control Plant
Tentative Waste Discharge Requirements
4 January 2010**

At a public hearing scheduled for 27/28/29 January 2010, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of a proposed Tentative Waste Discharge Requirements (NPDES No. CA0079081) (Permit) for the City of Chico, Chico Water Pollution Control Plant. This document contains responses to written comments received from interested parties in response to the proposed tentative Permit. Written comments from interested parties were required to be received by the Regional Water Board by 4 January 2010 in order to receive full consideration. Comments were received by the deadline from:

1. Central Valley Clean Water Association (CVCWA) (received on 4 January 2010)

Written comments from the above interested parties are summarized below, followed by the response of the Regional Water Board staff.

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA – COMMENT #1: Page 10. Discharge Prohibitions E, F, and G. The tentative permit contains three blanket discharge prohibitions which are inappropriate and should be removed from the tentative Order for four major reasons. First, not all of the water quality objectives in the Basin Plan apply to discharges to the Sacramento River and M&T Irrigation Canal. Second, the discharge prohibitions are superfluous and circumvent the process required by federal and state law to determine whether a discharge has reasonable potential to cause or contribute to an exceedance of a numeric or narrative water quality objective. Similarly, Discharge Prohibition G is superfluous and circumvents the process required by federal and state law to address impaired waters and develop a total maximum daily load. Finally, the discharge prohibitions may subject the City to potential liability under citizen suit provision of the Clean Water Act.

Request: Remove the three discharge prohibitions from the tentative Order.

RESPONSE: The three discharge prohibitions were inadvertently included, are not consistent with other similar orders adopted by the Regional Water Board and are not necessary to protect water quality. The three prohibitions will be removed from the tentative Order.

CVCWA – COMMENT #2: Page 20. Chronic Whole Effluent Toxicity. The tentative Order does not specify a numeric toxicity monitoring trigger or contain the other two typical provisions for accelerated monitoring – i.e., Accelerated Monitoring and TRE Initiations and Accelerated Monitoring Specifications.

Request: Revise the Order to specify an appropriate numeric toxicity monitoring trigger and include the Accelerated Monitoring and TRE Initiation and Accelerated Monitoring Specifications provisions.

RESPONSE: The appropriate sections for the numeric toxicity monitoring trigger, including the accelerated monitoring and TRE initiation specifications are included in the Fact Sheet (Page F-47) and were inadvertently left out of the Order on Page 20. The tentative Order will be revised to include the information requested by the commenter for consistency with the Fact Sheet.